

# JULIE A. N SAMPLE, ALJ

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TIPS AND TRICKS FOR THE NEW NORMAL

SEPTEMBER 2020 (WILL THIS YEAR EVER END???)

## SCHEDULE: IF ITS TUESDAY, THEN IT IS A PREHEARING SETTLEMENT CONFERENCE

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- Docket begins at 10:00 a.m.
- Docket typically involves 6-10 cases, with at least two lawyers on each case
- I try to review each PHSC sheet before the docket and try to identify problems
- If a claimant is unrepresented, that case will likely go first
- If an employer is unrepresented I will usually try to hunt down a lawyer in advance of the hearing
- I will initiate the call and bring the parties together via Jabber

# FILL OUT THE PREHEARING SETTLEMENT SHEET

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- I actually use these
- After you input info – hit “save”
- Helpful to see all the ratings – there is a separate place for the court ordered IME and for your opponent’s rating
- Necessary that you put in the TTD – the rate, the period of time and the total amount
- Same with TPD – it will get converted to TTD in the final award but helpful to still know the period of time and the total amount
- I encourage the lawyers to talk about their case before the PHSC and if you want an IME, agree on the doctor and what we’re going to ask the doctor

# FILL OUT THE PREHEARING SETTLEMENT SHEET COMPLETELY

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- Put in the medical mileage, unpaid unauthorized medical allowance, any unpaid bills
- If work disability is an issue put in the task and wage loss – if you don't have those calculations yet, then you'll likely have to come back for another PHSC
- My goal is to have a finished document that tells me what the claimant wants/contends and what the respondent wants/contends
- If you do an IME, you don't need to come back for another PHSC unless the claim morphs into a work disability

# ONE MORE THING...

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- “notes” section – under the last portion of the PHSC questionnaire
- I write notes here – it can be anything – but it helps me remember where we are and where we left the case – and whether the claim is cleared for Regular Hearing
- This is visible to the lawyers – nothing secret in here

# IF ITS WEDNESDAY IT'S A HEARING DAY

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- Again, this is a docket
- Again, I will do everything I can to review the files before the docket and try to triage things – to make the hearings go smoothly
- 4-11 hearings per day on this docket so be prepared to wait
- I will try to pretry everything before we go on the record
- All witnesses are by deposition – until we find a work around
- If the parties want deadlines to get the depositions in – we can do that
- But someone needs to tell me when all the evidence is submitted so I can pick up the file and make a decision

# MOTIONS TO WITHDRAW

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- These are put on the docket and an order will be generated automatically
- If you need a hearing and the claimant needs to speak or there is some issue, then we will make a record
- But for a routine Motion to Withdraw, I will not take that up or make a record
- Usually Veronica will reach out to the lawyer who scheduled the motion, in advance, and find out what needs to be done



# REGULAR HEARINGS WILL BE LAST

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- I will take up the regular hearings last
- We will pretry the case and I'll try to figure out where we are, whether there is a path to settlement and whether I can help the parties in any way
- This is the most frustrating aspect of virtual hearings for me personally
- I have a lot more success in person getting things resolved than on the phone
- Take stipulations
- Set terminal dates



# REGULAR HEARINGS CONTINUED....

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- You can change the terminal dates if you need to – by agreement
- Please cooperate on this because I will give everyone whatever time they want within reason
- Once submission letters are in I will pick up that case and barring some big problems, I'll get an Award out within 30 days

# POST AWARD PROCEEDINGS

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- Handled just like a Regular Hearing

# APPLICATIONS FOR EXTENSION 44-523

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- Handled on the hearing docket
- Parties can submit an agreed order if they like

# CONFERENCE CALLS

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- If the parties are “stuck” just set up a conference call through Veronica and we can have a discussion about the issue
- Veronica will tell me in a few words what the issue is so I can be prepared
- I WILL NOT force anyone to appear in person anywhere until we have a better health and safety situation

# THANK YOU FOR LISTENING AND WELCOMING ME BACK

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- I can't wait until we can be in person again
- I miss the in person interaction!

